Response to Arguments

Applicant's arguments, filed July 16, 2008 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Dantu.

Claim Objections

1. Claim 20 is objected to because "multiples" should be --multiplex--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 5 and 14-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Dantu et al. (US 7,17,443)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the

inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

2. Regarding claims 1, 5, 14, 19-20 and 22, Dantu discloses a method of establishing a path through a transport network comprising a number of physically interconnected network elements (fig. 1), transmission signals being transported over physical connections between the elements (item 108), each transmission signal being subdivided into frames of the same length and structured according to a multiplex hierarchy into multiplex units representing paths through the network (col. 1, lines 23-30; col. 10, lines 52-54). The method comprises the steps of assigning each traffic stream an path tag identifier (fig. 6, path labels; col. 16, line 61 through col. 17, line 11), where the frames are repeated and multiplex to for transmission signals (col. 14, line 64 through col. 15, line 5), providing a forwarding information in each network element along the path (fig. 4, item 404B), receiving traffic, checking the path tag and determining an internal cross connection for an appropriate output port (fig. 4; col. 16, line 61 through col. 17, line 11; fig. 8).

3. Regarding claim 2, the method further comprises detecting a failure of an already existing path at a first network node (fig. 10), cross connecting the traffic to an alternate port (fig. 12A) to a second network element to receive a traffic stream, checking the path tag of the received traffic stream and determining an appropriate output port based on the path tag and the forwarding information (fig. 4 item 404B) of the second network element, establishing an internal cross-connection between the input port and the previously determined output port (col. 16, lines 52-56; fig. 4 items 412)., and repeating the steps at preceding network elements along the restoration path (col. 18, lines33-37 and 46-56).

4. Regarding claim 15 and 23, the cross connection (item 408) is self routing (col. 11, lines 55-59).

5. Regarding claim 16-18 and 21, the multiplex units are virtual containers of a standardized SONET frame arrangement (col. 10, lines 52-53).

6. Regarding claim 20, the data within the packet is SONET data visible at the transport level (col. 9, lines 25-26; col. 6, lines 38-45 and 58-63).

Allowable Subject Matter

Claims 3-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 6-13 are allowed.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kallbach et al. (US 2004/0022279) discloses a trail trace identifier for use in path restoration.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost, can be reached at 571-272-7872. The centralized fax number for the

Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

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/Kevin C. Harper/

Primary Examiner, Art Unit 2616

October 26, 2008